

RESOLUTION NO. _____

**A RESOLUTION FORMING A LOCAL IMPROVEMENT DISTRICT FOR
PAVING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS, STREET
LIGHTS, STORMWATER DRAINAGE, WATER QUALITY FACILITIES,
ON ELMIRA ROAD FROM BERTELSEN ROAD TO MAPLE STREET AND
MAPLE STREET FROM ELMIRA ROAD TO ROOSEVELT BOULEVARD.
(JOB #4275)**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

Section 1. After proper notice of the hearings required by Sections 7.165 and 7.166 of the Eugene Code, 1971 (EC), and after receiving the hearings officer's minutes, and conducting a public hearing on April 2, 2009, the City Council hereby declares it is in the public interest to construct the local improvements described in Section 2 of this Resolution and assess part of the costs thereof to the specially benefitted properties on Elmira Road from Bertelsen Road to Maple Street and Maple Street from Elmira Road to Roosevelt Boulevard.

Section 2. The Council hereby orders the establishment of a local improvement district on Elmira Road from Bertelsen Road to Maple Street and Maple Street from Elmira Road to Roosevelt Boulevard and in that district to pave, construct curbs and gutters, sidewalks, street lights, stormwater drainage, water quality bioswales, manholes and related improvements ("the Improvements").

Section 3. The costs of the Improvements shall be borne by and assessed to the properties in the district in accordance with EC 7.175. Included in the cost shall be the overhead costs specified in EC 7.170 and whatever other special costs, such as acquisition of interests in real property, that are necessary to make the Improvements. Upon completion of the Improvements, the final costs therefore will be calculated and the owners of the benefitted property shall be notified and the property assessed as provided in EC 7.185 to 7.240. The assessments to be levied for the Improvements are hereby characterized for purposes of the property tax limitation in Section 11b, Art. XI of the Oregon Constitution as assessments for a local improvement, not subject to the constitutional limitation of \$10 per thousand of real market value. Notice of the intent to so characterize the assessments was sent to the affected property owners prior to the adoption of this Resolution.

Section 4. The City Council hereby declares that the construction of the Improvements, as well as acquisition of rights-of-way or easements necessary for the construction, is for a public purpose, is necessary for the public welfare, is authorized under the laws of the State of Oregon and Charter and ordinances of the City of Eugene, and is directed by this Resolution.

Section 5. The City of Eugene, Oregon expects to make expenditures from its available funds to initially pay for the costs of the improvements to Elmira Road from Bertelsen Road to Maple Street and Maple Street from Elmira Road to Roosevelt Boulevard (the “Project”). The City reasonably expects, and hereby declares its intent, to issue bonds or other obligations (the “Reimbursement Bonds”) and to use the proceeds of the Reimbursement Bonds to reimburse the City for the expenditures made from the City’s available funds for the Project. The City expects that the principal amount of the Reimbursement Bonds will not exceed the total project cost of \$3,291,360. The Reimbursement Bonds are secured by and payable from the installments of final assessments established in accordance with Section 3 of this Resolution.

Section 6. Lines of credit and other evidence of indebtedness authorized by City Council Resolution No. 4937 may be issued to finance the construction of the Improvements.

Section 7. Proceeds from unbonded assessments, improvement bonds, foreclosure of liens based on the Improvements and from other budgeted funds including ad valorem taxes, if levied, to pay the debt shall be deposited in the Special Assessments Capital Projects Fund until the indebtedness issued to finance the Improvements is redeemed. Proceeds so deposited may be used only to pay the indebtedness issued to finance the Improvements.

Section 8. The City Manager, or the person designated in writing by the City Manager to act under Resolution No. 4937, may sign the evidence of indebtedness issued to finance the construction of the Improvements.

Section 9. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the 13th day of April, 2009.

City Recorder

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